

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1281**

Introduced by Schimek, 27; Coordsen, 32

Read first time January 18, 2000

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to election procedures; to amend section
- 2 32-903, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to precincts; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1                   Section 1.    Section 32-903, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   32-903. ~~(1)~~ (1)(a) The election commissioner or county  
4 clerk shall create, alter, divide, revise, rearrange, and readjust  
5 precincts. Precincts shall:

6                   (i) Be composed of compact and contiguous areas, having  
7 clearly recognizable boundaries, using visible, clearly  
8 recognizable physical features, which meet the requirements of the  
9 United States Department of Commerce, Bureau of the Census, and  
10 which coincide with census block boundaries as established by the  
11 bureau;

12                  (ii) Be within the boundary lines of legislative  
13 districts so that no precinct is in more than one legislative  
14 district. A precinct boundary which follows a legislative district  
15 boundary that coincides with a municipal boundary shall not be  
16 changed due to a change in the municipal boundary which would cause  
17 the precinct to be in more than one legislative district until the  
18 legislative district boundary changes, regardless of whether such  
19 legislative district boundary uses a visible, clearly recognizable  
20 physical feature or coincides with a block boundary.

21                  For purposes of this subsection, visible, clearly  
22 recognizable physical feature means a street, highway, roadway,  
23 boulevard, parkway, river, stream, shoreline, drainage ditch,  
24 railroad right-of-way, or any other line which is clearly visible  
25 from the ground. A street, highway, or other roadway which has  
26 been platted but not graded is not a visible, clearly recognizable  
27 physical feature for purposes of this subsection. If a visible,  
28 clearly recognizable physical feature is not available for use as a

1 precinct boundary, an alternative boundary established by the  
2 bureau may be used.

3 (iii) Contain ~~composed of compact and contiguous~~  
4 ~~territory within the boundary lines of legislative districts. The~~  
5 ~~precincts shall contain~~ not less than seventy-five nor more than  
6 one thousand registered voters based on the number of voters voting  
7 at the last statewide general election, except that a precinct may  
8 contain less than seventy-five registered voters if in the judgment  
9 of the election commissioner or county clerk it is necessary to  
10 avoid creating an undue hardship on the registered voters in the  
11 precinct; and

12 (iv) Be based ~~on~~ ~~The election commissioner or county~~  
13 ~~clerk shall create precincts based~~ on the number of votes cast at  
14 the immediately preceding presidential election or the current list  
15 of registered voters for the precinct.

16 (b) The election commissioner or county clerk shall  
17 revise and rearrange the precincts and increase or decrease them at  
18 such times as may be necessary to make the precincts conform to  
19 subdivision (1)(a) of this section and contain as nearly as  
20 practicable not less than seventy-five nor more than one thousand  
21 registered voters voting at the last statewide general election.  
22 The election commissioner or county clerk shall, when necessary and  
23 possible, readjust precinct boundaries to coincide with the  
24 boundaries of cities, villages, and school districts which are  
25 divided into districts or wards for election purposes. The  
26 election commissioner or county clerk shall not make any precinct  
27 changes in precinct boundaries between the statewide primary and  
28 general elections unless he or she has been authorized to do so by

1 the Secretary of State. If changes are authorized, the election  
2 commissioner or county clerk shall notify each state and local  
3 candidate affected by the change.

4 (2) The election commissioner or county clerk may alter  
5 and divide the existing precincts, except that when any city of the  
6 first class by ordinance divides any ward of such city into two or  
7 more voting districts or polling places, the election commissioner  
8 or county clerk shall establish precincts or polling places in  
9 conformity with such ordinance.

10 (3) All precincts and polling places may be consolidated  
11 for the use of voting machines or punch card voting devices into  
12 fewer and larger precincts as deemed necessary and advisable by the  
13 election commissioner or county clerk. Such precincts,  
14 consolidated for voting machines or punch card voting devices only,  
15 may have as many registered voters therein as deemed advisable in  
16 the interest of economy and efficiency. At least one voting  
17 machine shall be provided for every five hundred registered voters  
18 voting in the consolidated precinct or polling place at the  
19 immediately preceding general election. At least one punch card  
20 voting device shall be provided for every one hundred registered  
21 voters voting in the consolidated precinct or polling place at the  
22 immediately preceding general election.

23 Sec. 2. Original section 32-903, Reissue Revised  
24 Statutes of Nebraska, is repealed.